

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION No. 24183 of 2005****For Approval and Signature:****HONOURABLE MR.JUSTICE AKIL KURESHI**

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- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
 - 2 To be referred to the Reporter or not ?
 - 3 Whether their Lordships wish to see the fair copy of the judgment ?
 - 4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
 - 5 Whether it is to be circulated to the civil judge ?

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BHARATBHAI RANCHHODBHAI AMIN - Petitioner(s)

Versus

STATE OF GUJARAT ,NOTICE TO BE SERVED UPON & 2 - Respondent(s)

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Appearance :

MR NIRAL R MEHTA for Petitioner(s) : 1,
NOTICE SERVED BY DS for Respondent(s) : 1 - 3.
MS FALGUNI PATEL, ASSISTANT GOVERNMENT PLEADER for Respondent(s) : 2,
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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 23/01/2006

ORAL JUDGMENT

1. Rule. Ms. Falguni Patel, learned Assistant Government Pleader waives service of Rule for respondents. At the joint request made by the learned

advocates, the petition is taken up for its final disposal today.

2. The petitioner who is occupying Government land had applied to the Additional Secretary (Land), Revenue Department, Government of Gujarat on 13-09-2005 for regularisation of his holding. The said authority on 15-10-2005 called for report from the Collector, Gandhinagar. The Collector, Gandhinagar by order dated 29-11-2005 conveyed to the petitioner that his request for regularisation of land in question cannot be accepted since as per letter dated 25-10-2005 received from the State Government, the case which are of more than one year are required to be turned down. .

3. Firstly, it is not clear what is the true implication of the observations made by the Collector in his communication dated 29-11-2005. No clarification is coming forthwith from the respondents. Even otherwise, Secretary had called report from the Collector upon an application made by the petitioner. At this stage, it was not open for the Collector to reject the request of the petitioner and to communicate the rejection thereof to him.

5. Under these circumstances, the communication dated

29-11-2005 is hereby quashed. The Secretary shall decide the application filed by the petitioner dated 13-09-2005 in accordance with law. I have not expressed any opinion on the legality of the demand of the petitioner. With these observations the petition is disposed of. Rule made absolute to the aforesaid extent. Direct service permitted.

[Akil Kureshi, J.]

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